

6-9-06

IFW

1



Date: 6/6/2006

From: Aaron Baum
960 Natoma Street #3
San Francisco, CA 94103

To: Gionanna Colan
Art Unit 2162
USPTO

Re: Office Action of March 8, 2006 regarding Application #10/662,230

In this office action claims 1-16 of the application (App. No. 10/662,230) were rejected in a non-final action as being anticipated by Eyal et al., US Patent App. Pub. No. 2004/0177096 A1, filed: January 24, 2000. This provisional application has been abandoned and incorporated by reference into US Patent #6,389,467 B1. As this is the only version of Eyal's patent available to the applicants, all references to Eyal below are to US Patent #6,389,467 B1.

The authors of the present application believe that it represents a significant innovation and an improvement on the current state of the art, including that described in Eyal. The present application describes systems and methods for making media recommendations based on user-input criteria (see claims 1 and 9). Eyal also describes, as part of a larger media serving system, means and methods for returning media references based on user-specified criteria, but the methods and means described do not take advantage of lists associating media references *with each other*. The compilation, storage, and analysis of expert-created lists associating media segment references (such as DJ play-lists), enables the described systems and methods to find media related to search criteria that would not have been found by the means described in Eyal (see

claims 1 and 9 of the present invention). This is a significant innovation and improvement.

Eyal describes systems and methods for compiling a database of media resource references, their metadata, and addresses on a network (col. 2, lines 18-20; col. 3, lines 43-46; col. 6, lines 5-10; col. 9, lines 31-37; col. 11, lines 18-19; col. 14, lines 46-49; col. 21, lines 51-57). This is in contrast to the present invention, which describes compiling a database of lists associating media references *with each other*, these lists are then used to find media references frequently listed with those matching user criteria (see claims 1 and 9 of the present application), references that would not have been found using only the criteria-matching approach described in Eyal (col. 26, lines 19-67). The associating lists are not used directly as play-lists for the delivery of media content in the present invention, unlike in Eyal.

Eyal does not describe compiling lists associating media references with each other. The only lists referenced by Eyal (other than the database of media resource references mentioned above) are play-lists which enumerate the individual media resources served to terminals. In Eyal these are generated manually or from the media reference database through matching to metadata or play-list name, possibly with reference to a stored rating based on user input (col. 6, lines 64-67; col. 7, lines 1-6; col. 9, lines 14-21; col. 30, lines 29-37). These techniques of play-list creation (which determine what media references are served to end users) do not take advantage of the information implicit in associating lists, as the present invention does.

The present invention includes the significant improvement of a scoring system for media references/resources based on lists associating media references/resources (such as DJ playlists), an innovation providing performance beyond that of the Eyal invention (see claims 1 and 9 of the present application). The scoring system taps into the associations in the retrieved, parsed, and stored lists (of claims 1 and 9) to generate media references most likely to be relevant to

search criteria. The compiled associations between media references in the lists, which may be for example DJ play lists, give the described system the ability to find related media that would not be found by simple criteria-matching. The only scoring mechanisms described by Eyal are media resource ratings based on user input (col. 6, lines 11-63; col. 7, lines 7-47; col. 13, lines 21-26; col. 28, lines 60-67) and availability ratings (col. 25, lines 4-12). The method for selecting resources to serve to users is specified as matching search criteria (col. 9, 28-37; col. 20, lines 23-29; col. 11, lines 51-52; col. 12, lines 43-63) While Eyal mentions the possibility of automatically selecting media resources (e.g. claims 4 and 5, Eyal), no means of doing so is described beyond matching search criteria and pre-determined playlists (claims 67 and 68, Eyal).

The use of lists associating media segment references with each other and a scoring mechanism to find relevant media based on such lists is a significant innovation and improvement over Eyal and the rest of the current state of the art. In view of this and the above clarification, the authors ask that claims 1-16 of the present application be allowed.